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REMARKS

Claims 1-37 are currently pending in the patent application.

The Examiner has objected to the drawings for various reasons. Applicants herein submit substitute drawings which address the Examiner's concerns. Specifically, in response to the objection raised in paragraph 1, Applicants have removed reference numeral "68" from Fig. 1 as well as from the Specification at page 6, line 2. In response to the objection raised in paragraph 2, reference numeral "34" has been removed from Fig. 1. In response to the objection raised in paragraph 3, reference numeral "34" has been removed from the drawings, and reference numeral "32" which is shown as the digital signal in Fig. 1 has been referenced in the Specification by amendment to the text on page 3, line 15. In response to the objection raised in paragraph 4, reference numeral "10" has been added to Fig. 1. In response to the objection raised in paragraph 5, Fig. 1 is now designated as such on the first of the two drawings sheets. In addition, Fig. 2 has been corrected to show that

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the method returns to scanning step 64. Accordingly the scanning step at the bottom of Fig. 2 has been eliminated.

The Examiner has objected to the Specification for several informalities. As noted above, the scanning step at the bottom of Fig. 2 has been eliminated. With regard to line numbers, Applicants understand that line numbers are not strictly required when filing a patent application. However, line numbers have been included in the Substitute Specification, marked up and clean versions of which are enclosed herewith. On page 5, line 10, "decryption" was inserted in front of "key". The same insertion has been made in several other places where "key 52" is mentioned. On page 5, 4th line from the bottom of the page, "system 10" has been changed to "DAT 14". On page 5, last line, "the system 10" has been changed to "DAR 26". In several other places, the term "system 10" has been changed as appropriate.

The Examiner has objected to Claims 4, 23, 26 and 37 for informalities. The dependency of claim 4 has been corrected herein. In addition, the language of claim 4 has been corrected from "display processing mean" to recite "a display processing means". Claims 23, 26 and 37 have been

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amended to replace the term "transmitter" with the term "receiver" as suggested by the Examiner.

Claims 22, 25, 37, have been rejected under 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. With respect to Claim 22, Applicants respectfully assert that the term "broadcast media" finds antecedent basis in the language of Claim 12 from which Claim 22 indirectly depends. With respect to Claim 25, Applicants respectfully remind the Examiner of the type of claims which the U. S. Patent Office has recognized as "Markush claims." When reciting a Markush grouping, the appropriate language to be used recites "the group consisting of". Accordingly, Applicants request reconsideration of the rejection of Claim 25 for use of a Markush grouping. Claim 25 has been amended to remove the term "such as." Finally, with respect to the rejection of Claim 37, Applicants respectfully refer the Examiner to the established case law and resulting Patent Office approval of "Beauregard" claims. Applicants have recited the court-approved and PTO-approved Beauregard preamble which includes the term "tangibly embodying a program".

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Accordingly, reconsideration of the rejection of the Beauregard claim, Claim 37, is respectfully requested.

The Examiner has rejected Claims 1, 5-10, 12, 15-34 and 37 as being anticipated by the Campanula (*sic*, Campanella) patent. The Campanella patent is directed to a satellite direct radio broadcast system which provides radio programming, uplinked to a satellite from providers, downstream from the satellite to radio receivers. Campanella seeks to provide low cost radio transmissions to areas that could not otherwise receive radio signals. Campanella describes signal encoding, specifically scrambling and compression, which can be decoded at a receiver, particularly in the case of subscription radio.

Applicants respectfully assert that the Campanella patent does not anticipate the present invention. The present invention, as claimed in the amended independent claims 1, 12, 23, and 37 recites a system and method for updating contents of a portable electronic device having a storage medium for storing electronic data and a CPU for processing received broadcast signals for digital signal information to be used in updating the stored electronic data. The Campanella patent is simply directed to

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broadcasting signals for audio display and does not teach or suggest the storage of electronic data, the processing of received signals to extract information for updating the stored electronic data, or the updating of the electronic data.

For a patent to anticipate another invention under 35 USC § 102(b), the patent must clearly teach each and every claimed feature of the anticipated invention. Since the Campanella patent clearly does not teach the system components (i.e., CPU and storage) as claimed or the method steps for receiving, processing and updating as claimed, it cannot be maintained that the Campanella patent anticipates each and every claim feature.

The Examiner has also cited the Yoshimune patent for teaching an electronic book, the Ballantyne patent for teaching a portable database of medical records, the Giacomelli patent for teaching packet switching, and the Barber patent for teaching pay per access system for web pages. Applicants respectfully assert that none of the cited patents teaches or suggests the features which are missing from the Campanella patent.


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Based on the foregoing amendments and remarks,
Applicants respectfully request entry of the amendments,
reconsideration of the objections and rejections, and
issuance of the claims.

Respectfully submitted,

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MARKED UP CLAIMS WITH AMENDMENTS SHOWN

1. [A] An electronic device for receiving broadcast media comprising digital signal information comprising:

a central processing unit (CPU) for processing digital signal information;

a storage medium for storing electronic data;

a display;

a user interface; and

a digital audio broadcast receiver which receives a digital signal transmitted by a digital audio transmitter and decodes the received digital signal for use by the CPU to update electronic data stored at said storage medium with said digital signal information.

4. The device of claim [4] 3 further comprising a display processing [mean] means for selectively displaying updated records.

12. A system for handling broadcast media comprising:

a transmitter comprising a broadcast server for transmitting a digital audio broadcast; and

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an electronic device comprising a central processing unit (CPU) for processing digital signal information, a storage medium for storing electronic data; a display; a user interface; and a digital audio broadcast receiver which receives a digital signal transmitted by a digital audio transmitter and decodes the received digital signal for use by the CPU to update electronic data stored at said storage medium with said digital signal information.

23. A method of providing broadcast media for updating the contents of a portable electronic device, the method comprising the steps of:

broadcasting a digital audio signal over a broadcast range;

receiving the signal at a digital audio [transmitter]
↓
receiver;

decoding the digital audio signal to obtain update data; and

updating the contents of the portable electronic device using the update data.

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25. The method of claim 23 wherein the broadcast [static] media comprises media of a non-interactive nature selected from the group consisting of electronic editions of newspapers, magazines, books, movies, digitized audio data, program-associated data [such as], program titles, program notes, CD cover images, and pure data.

27. The method of claim [26] 23 further comprising scanning the digital audio [broadcast] signal for media content.

37. A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for updating the contents of a portable electronic device, the method comprising the steps of:

receiving a digital audio signal at a digital audio [transmitter] receiver;

decoding the digital audio signal to obtain update data; and

updating the contents of the portable electronic device using said update data.